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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,768	01/02/2001	Scott D. Redmond	010.0188.01	2019

7590 08/16/2004

TRANZ-SEND BROADCASTING NETWORK
601 VAN NESS
SUITE E3444
SAN FRANCISCO, CA 94102

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/753,768	Applicant(s) REDMOND, SCOTT D.	
	Examiner James Sheleheda	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words. Proper correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 10 is objected to because of the following informalities:

In claim 10, line 8, states "exporting a user interface." It is unclear how **exporting** is being used in regards to the claim language. Proper explanation as to the definition of the word **exporting** as currently used as a claim limitation, or else "exporting a user interface" should be changed to something more appropriate, such as --providing a user interface--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-8, 10, 11, 13-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran (6,202,060).

As to claims 1 and 10, Tran discloses a portable apparatus for providing wireless media access and storage (10, Fig. 1; column 4, lines 66-67 and column 5, lines 1-4), comprising:

a data store (Fig. 1; in RAM, 22) storing data values and program code (column 5, lines 14-20) in a general purpose memory (Fig. 1; RAM, 22) comprising a plurality of randomly accessible memory locations (Random Access Memory, 22);

a wireless interface (wireless transceiver, 31) providing session-based (connected to complete a particular request; column 18, lines 53-65) communication connectivity (column 7, lines 36-40) with a wireless information service provider (column 7, lines 40-52 and column 18, lines 53-65) in accordance with a wireless protocol (wherein the wireless communications must be in accordance with some wireless protocol);

a user interface (keypad, 24) comprising input controls receiving user instructions (column 5, lines 65-67) and output channels (IR transceiver, 49) capable of media playback (transmitted media to the TV for playback; column 14, lines 41-50); and

a processor (CPU, 20) operatively coupled to the data store (see Fig. 1), the wireless interface (see Fig. 1), and the user interface (see Fig. 1) and including program logic comprising:

an operating system (instructions controlling the processor; column 5, lines 12-17) responsive to user instructions received via the input controls (column 5, lines 65-67) to cooperatively process the data values and the program code maintained in the data store (processing stored applications and data; column 20, lines 35-44); and

media processing logic receiving media content via the wireless information service (column 18, lines 27-31) through the wireless interface (column 7, lines 36-40) for transitory storage in the data store (column 18, lines 46-47) and playing the media content (column 18, lines 27-31) on the output channels (transmitted media to the TV for playback; column 14, lines 41-50).

As to claims 2 and 11, Tran discloses wherein the wireless interface further comprises:

a wireless expansion port (PC expansion bus, 26; column 7, lines 36-40), operatively coupled with the processor (see Fig. 1); and

a wireless communications module (transceiver plugging into PCMCIA port; column 7, lines 36-40).

As to claims 4 and 13, Tran discloses wherein the wireless protocol is Motorola Wireless Protocol (Reflex; column 8, lines 10-12).

As to claims 5 and 14, Tran discloses wherein the media playback operates in accordance with a standard selected from a composite video (column 17, lines 65-67 and column 18, lines 1-3).

As to claims 6 and 15, Tran discloses wherein the data store is conventional RAM IC technology (column 5, lines 14-20).

As to claims 7 and 16, Tran discloses wherein the program logic further comprises function logic performing at least:

interacting with another device (host computer; column 18, lines 27-36);
participating in a wireless communications session (column 7, lines 36-40 and column 18, lines 27-36); and
acquiring information (desired data; column 18, lines 27-36).

As to claims 8 and 17, Tran discloses wherein program logic further comprises:

a data organizer integral to the portable apparatus (stored as software; column 5, lines 28-32) and performing the functions selected from the group comprising at one of managing contacts (phone contacts; column 5, lines 28-32) and managing time (appointment book; column 5, lines 28-32).

As to claim 19, Tran discloses a computer readable storage medium (ROM, 21) holding code (column 5, lines 12-14) for performing the method of claim 10 (by controlling the processor, 20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Ditzik (5,983,073).

As to claims 3 and 12, while Tran discloses a wireless interface (wireless transceiver, 31), he fails to specifically disclose wherein the wireless interface comprises a wireless communications device and an external adapter interfacing the portable apparatus to the wireless communications device.

In an analogous art, Ditzik discloses a portable computer system (Fig. 1; column 3, lines 50-56) which communicates wirelessly with service providers (column 12, lines 54-64) using a wireless communications device (cellular handset, 14) and an external adapter (cable, 26) interfacing the portable apparatus to the wireless communications device (Fig. 2; column 6, lines 7-12) for the typical benefit of providing a lower cost system (column 6, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include wherein the wireless interface comprises a wireless communications device and an external adapter interfacing the portable apparatus to the wireless communications device, as taught by Ditzik, for the typical benefit of providing a lower cost portable wireless system.

7. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Whiteside (5,835,861).

As to claim 9 and 18, while Tran discloses wherein the program logic further comprises: an interface (wireless transceiver, 31) for interfacing the portable apparatus with another device (host computer; column 18, lines 27-36) for interactive content exchange (column 18, lines 27-36), he fails to specifically disclose an outdoor media interface interfacing with an outdoor media display.

In an analogous art, Whiteside discloses a portable wireless device (Fig. 1; cell phone, 10) which uses an infrared transmitter and receiver (column 1, lines 59-64) to interface with an outdoor media display (billboard, 20; column 2, lines 9-18) to receive

Art Unit: 2614

content (vendor telephone number; column 2, lines 13-22) for the typical benefit of providing a convenient way for a wireless user to easily acquire a vendor telephone number from a passing billboard (column 1, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include an outdoor media interface interfacing with an outdoor media display, as taught by Whiteside, for the typical benefit for allowing a user of a portable wireless device to easily acquire advertiser information from billboards.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

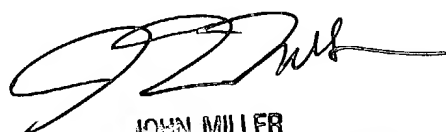
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/753,768
Art Unit: 2614

Page 10

James Sheleheda
Patent Examiner
Art Unit 2614

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